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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/710,987	08/16/2004	Makoto Izawa	27592-01101-US1	4986

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CONNOLLY BOVE LODGE & HUTZ LLP
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WASHINGTON, DC 20006

EXAMINER

GELAGAY, SHEWAYE

ART UNIT	PAPER NUMBER
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2437

MAIL DATE	DELIVERY MODE
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02/23/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/710,987

Applicant(s)

IZAWA ET AL.

Examiner

SHEWAYE GELAGAY

Art Unit

2437

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 12 February 2010 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1,2 and 4-18.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

/Emmanuel L. Moise/
Supervisory Patent Examiner, Art Unit 2437

Continuation of 11. does NOT place the application in condition for allowance because: Applicant's argument with respect to the rejection of claims 1-2, and 4-18 under 35 U.S.C. 103 (a) has been considered but they are not persuasive.

The Applicant argued that "Inada et al. fails to teach the the cryptogrpahic apparatus recieves from a manager terminal "information for instructing whether or not data packets are to be discarded between specific communications terminals after the data packets have been received." The Examiner disagrees Inada teaches a management packet for managing cryptographic apparatus, or the like that has similar function to that of a general terminal connected to a network having an IP connection function (col. 5, lines 26-30) which is adequate to meet the claimed limitation. The Applicant furrther argued that Inada does not specifically point out whether "the management packet" is coming from a manager terminal or not. Examiner would like to point out that it is implicit that "a management packet" can only come from a management apparatus. Inada teaches the ciphertext port 21 is an internal logical port positioned on the side of a ciphertext network for transferring ciphertext data received from the cipherhtxt network to the plaintext port 20 and the home station port 22, a packet to a ciphertext output filter 23. The ciphertext output filter 23 is a filter for a packet transferred to the ciphertext port 21 for determining the packet to be discard packet which need not be transmitted from the ciphertext port 21, a transparent relay to the ciphertext network, or a ciphertext packet which needs to undergo encryption processing and discarding the packet if the encryption processing and discarding the packet if the packet is a discard packet. Inada further teaches a packet transferred to home station if it is a management packet containing information for managing the operation of the home station or the like and is sent to the terminal function block. (col. 8, lines 37-47) A management packet for managing can be processed. Thus, the operation of the cryptographic apparatus can be managed as another machine changes setting of cryptographic processing of the cryptographic appratus. Applicant argued that "Colligan does not teach inputting a time period for encryption." The Examiner would like point out that Colligan teaches" an encryption coordinator receives the content and schedules the content for encryption and distributed to a set of Remote servers. The encryptor uses the particular key corresponding to the first time to decrypt the content and uses a particular key corresponding to a second time to re-encrypt the content...The remote server re-encrypts the video program into a second encrypted from using a second key. " The Examiner would like to point out that since the encryption is performed according to a schedule and reencrypted and distributed by the distribution server to the subscriber station, the decryption process has to also be performed according the to schedule using a particular key corresponding to a first time or a second time.